

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

BRAD ALEXANDER,)	CV 05-16-H-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JBC LEGAL GROUP, P.C. a)	
California Professional)	
Corporation, JBC & ASSOCIATES,)	
P.C., and JACK HAGOP)	
BOYAJIAN,)	
)	
Defendants.)	

On August 13, 2009, at 9:00 a.m., the Court held a hearing regarding Plaintiff's motion to find Defendant Jack Boyajian in contempt of Court. Boyajian failed to appear for the hearing, despite receiving a copy of the Order. Proof of Service (dkt #122).

Boyajian has repeatedly disregarded the Court's Orders, including the following:

1. On November 17, 2008, the Court granted Plaintiff's motion to compel discovery, and ordered Boyajian to answer the discovery requests within 20 days. Ord. at 2 (dkt #99). Plaintiff had previously served Boyajian with both the discovery and the motion to compel, and they were received by Boyajian. Third Wilson Decl. , ¶ 4 (dkt #120). Boyajian has yet to fully respond to the discovery requests.
2. On June 1, 2009, in response to Plaintiff's motion for contempt, the Court ordered Boyajian to file a brief by June 30, 2009, showing cause why he should not be held in contempt of court. On July 1, 2009 Boyajian filed an unsworn affidavit claiming he had only recently received the discovery requests and asking for an additional 30 days to respond. Boyajian Decl. (dkt #113).
3. The Court entered an Order on July 1, 2009, directing Boyajian to complete the discovery responses within 20 days. Ord. at 2 (dkt #114). Boyajian again failed to comply with the Court's Order, despite communicating with Plaintiff's counsel about the discovery requests and receiving an additional copy of the discovery requests. Second Wilson Decl. (dkt #117-2).

4. On July 31, 2009, the Court ordered Boyajian to appear in Missoula regarding the motion for contempt. Ord. at 2 (dkt #118). Prior to the hearing, Boyajian attempted to engage in ex parte communication with the Court, despite being directed not to do so. Ord. at 2 (dkt #123). On August 12, 2009, he served voluminous documents on Plaintiff's counsel that did not fully answer the discovery requests. Second Kinkley Decl. (dkt #124). As stated above, he then failed to appear at the hearing on Plaintiff's motion for contempt.

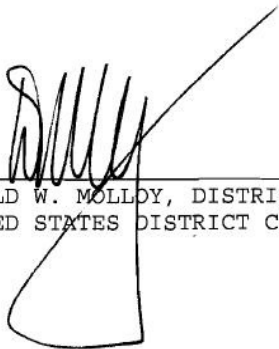
IT IS HEREBY ORDERED that Plaintiff's motion (dkt #105) to find Defendant Jack Boyajian in contempt of court is GRANTED. Boyajian is in civil contempt of court for failure to comply with the Court's Orders regarding discovery.

IT IS FURTHER ORDERED that the parties shall appear before United States Magistrate Judge Keith Strong on **September 1, 2009 at 9:30 a.m.** at the Paul G. Hatfield Courthouse in Helena, Montana. Boyajian may purge himself of contempt by fully responding under oath to all of Plaintiff's discovery requests and by submitting to a deposition and fully responding to all questions under oath before Judge Strong.

The Clerk of Court shall immediately notify the parties and Judge Strong of

the entry of this Order and shall send a copy of this Order by certified mail to Boyajian at 461 From Road, Ste 185, Parasmus, NJ 07652.

DATED this 13th day of August, 2009.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT